

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF TSACONAS CELLULAR,)	
INC. FOR THE ISSUANCE OF A)	
CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY TO PROVIDE DOMESTIC)	CASE NO. 91-211
PUBLIC CELLULAR RADIO)	
TELECOMMUNICATIONS SERVICES TO THE)	
PUBLIC IN RSA #3 OF THE)	
COMMONWEALTH OF KENTUCKY)	

O R D E R

On June 25, 1991, Tsaconas Cellular, Inc. ("Tsaconas Cellular") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications system for the Rural Service Area #3 ("RSA #3") in Kentucky. RSA #3 includes Meade, McLean, Hancock, Breckinridge, Ohio, Grayson, Butler, Todd, Warren, Allen, Muhlenberg, Edmondson, Logan, and Simpson counties in Kentucky. Tsaconas Cellular has requested authorization to construct a cell site referred to as the Briggs Hill cell site.

The proposed Briggs Hill cell site consists of a 220 foot antenna tower to be located at 778 Briggs Hill Road, Bowling Green, Kentucky. Tsaconas Cellular has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the cell site. Based upon the application, the tower and foundation design appear to meet the criteria of the Building Officials and Code Administrators International, Inc. (BOCA) National Building Code, with reference to earthquakes, winds, and tornadoes.

Pursuant to KRS 100.324(1), the proposed cell site's construction is exempt from local zoning ordinances. Tsaconas Cellular has filed applications with the Federal Aviation Administration, the Kentucky Airport Zoning Commission, and the Federal Communications Commission seeking approval for the construction and operation of the proposed cell site. These applications have been approved.

On August 9, 1991, the Commission requested additional information and required Tsaconas Cellular to notify each and every resident/tenant and property owner within 500 feet of the proposed cell site. On August 28, 1991, Tsaconas Cellular filed an affidavit verifying compliance with the notification requirement. The notices were mailed on July 12, 1991 and solicited comments from the resident/tenants and property owners and informed them of their right to intervene. No responses were received.

Tsaconas Cellular's capitalization plans include debt financing to be obtained from Northern Telecom Finance Corporation in an amount up to \$3,300,000. Prior to issuing any evidences of indebtedness, Tsaconas Cellular is required to seek Commission approval pursuant to KRS 278.300.

The Commission has also reviewed Tsaconas Cellular's proposed tariff and finds that revisions must be made to the following provisions for the reasons specified:

1. Refer to Original Sheets 11 and 12, Section 3.4 and 3.5, Subsection (1). Provide a revised tariff sheet in compliance with the notice requirements of 807 KAR 5:006, Section 11(1) and 11(3a).

2. Refer to Original Sheet 12, Section 3.5, Subsection (2). The first sentence references 'Paragraph C'. Where is 'Paragraph C'? Provide a revised tariff sheet clarifying this issue.

3. Refer to Original Sheet 13, Section 3.6, Subsection (1). Provide a revised tariff sheet clarifying the type of notice required, i.e., written or oral notice and length of notice.

4. Refer to Original Sheet 13, Section 3.7, Subsections (1), (2), and (3). The treatment of customer deposits must comply with 807 KAR 5:006 Section 7, and KRS 278.460. Specifically, deposits can not exceed two-twelfths of the estimated annual bill and interest is to be paid at 6 percent annually. Provide revised tariff sheets in compliance with this regulation. A letter identifying the Commission's recommended handling of deposits is attached for your reference.

5. Refer to Original Sheet 14, Section 3.9, Subsections (1) and (3). Provide a revised tariff sheet specifying what is meant by the phrase "as well as any other charges billed to the customer's access number." Also clarify that the late payment penalty will be applied only once to each delinquent monthly billing.

6. Refer to Original Sheet 17, Section 4.1, Subsection (2). Provide a revised tariff sheet in compliance with the 30-day notice requirement of KRS 278.180.

7. Refer to Original Sheet 18, Section 4.3, Subsection (1). Provide a revised tariff sheet showing that monthly flat rate recurring charges will be billed in advance, but that all usage charges will be billed in arrears.

8. Refer to Original Sheet 25, Section 4.4, Subsection (c). Description of 'Outgoing Only' Service Option states: "No outgoing calls will be accepted, per access number arranged." Should 'outgoing' be corrected to 'incoming'? Provide a revised tariff sheet.

IT IS THEREFORE ORDERED that:

1. Tsaconas Cellular be and it hereby is granted a Certificate of Public Convenience and Necessity to operate a cellular telecommunications system in RSA #3.

2. Tsaconas Cellular be and it hereby is granted a Certificate of Public Convenience and Necessity to construct a 220 foot cellular telecommunications antenna tower at 778 Briggs Hill Road, Bowling Green, Kentucky.

3. The proposed tariff filed by Tsaconas Cellular be and it hereby is approved with the exceptions specified in Items 1 through 8 of the findings set forth above.

4. Within 30 days from the date of this Order, Tsaconas Cellular shall file the following:

a. Its revised tariff setting forth all rates, rules and regulations in accordance with 807 KAR 5:011 and the findings herein.

b. A toll-free number or provision for accepting collect calls for customer complaints.

Done at Frankfort, Kentucky, this 10th day of October, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:


Executive Director



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
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January 23, 1990

TO: ALL JURISDICTIONAL UTILITIES

RE: Interpreting Interest to be Paid on Customer Deposit

On November 2, 1989, the Commission sent all jurisdictional utilities a letter that interpreted the way interest must be calculated on customer deposits held by all utilities from October 31, 1989 forward. The letter also indicated that all utilities with tariffs that conflict with the provisions of the order issued in Case No. 89-057 shall revise their tariffs no later than November 30, 1989.

We have had many questions regarding proper tariff language; therefore, the following language has been developed for the use of all utilities in their respective tariffs.

"Interest will be paid on all sums held on deposit at the rate of 6 percent annually. The interest will be applied as a credit to the customer's bill or will be paid to the customer on an annual basis. If the deposit is refunded or credited to the customer's bill prior to the deposit anniversary date, interest will be paid or credited to the customer's bill on a pro-rated basis. If interest is not credited to the customer's bill or paid to the customer annually, interest will be computed by a method which will result in an amount no less than that obtained by using a middle course method between simple and compound interest in compliance with Commission Order dated October 31, 1989 in Case No. 89-057. Interest on deposits computed in this manner will accrue until credited to the customer's bill or paid to the customer."

We believe this language clarifies even those utilities' tariffs not specifically in conflict with the Commission's decision and recommend all utilities substitute the language in their tariff with the above language. The language above, or similar language, will clearly describe every utilities' condition for service as required by KRS 278.160 and is recommended to be

ALL JURISDICTIONAL UTILITIES

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used by all utilities, even those whose tariffs are not specifically in conflict with the Commission's decision in Case No. 89-057.

If you have any questions regarding this matter, please feel free to contact Phyllis Fannin at (502) 564-7625.

Sincerely,

A handwritten signature in dark ink, appearing to read "Lee M. MacCracken". The signature is fluid and cursive, with a long horizontal stroke at the end.

Lee M. MacCracken
Executive Director

LMM/BS:lad